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UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

IN RE: ) Case No: 21-20922-A-13C  
) DCN: RDW-1  
)  
KYLE CURTIS ASH, ) TRUSTEE'S RESPONSE TO  
) MOTION FOR RELIEF FROM  
) AUTOMATIC STAY  
)  
) DATE: JUNE 29, 2021  
) TIME: 9:00 A.M.  
) JUDGE: FREDRICK E. CLEMENT  
Debtor(s) ) COURTROOM: 28

DAVID P. CUSICK, TRUSTEE, responds to the motion of ACM INVESTOR  
SERVICES, INC, its successors and/or assignees regarding real property 531 Westwood Court,  
Vacaville, Ca 95688, as:

1. No new plan has been filed since the Trustee's objection to confirmation was  
sustained May 26, 2021, (DN 25.) Under the last plan Debtor is delinquent \$4,680.00 (less than  
one plan payment) in payments to the Trustee with the total last payment of \$10,500.00 posted  
on June 14, 2021.

1           2. Movant is included in Debtor's pending plan as Class 2 (DN 3, Section 3.08, Page 4.)  
2 and has filed Proof of Claim 4-1 on April 28, 2021 in the secured amount of \$288,686.18 and  
3 arrears of \$22,186.18, noting that Debtor is not the borrower on the loan (Page 4.) The Trustee  
4 has not disbursed any funds to date where the only plan payment was made on June 14, 2021,  
5 and the only secured claim provided to be paid by the Trustee under the plan is for the movant  
6 and was provided for as Class 2 without a personal property money security interest.  
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8           3. According to Movant's declaration, servicer ACM INVESTOR SERVICES, INC. is  
9 the current holder of the Promissory Note dated July 24, 2018, where D&D Reit, Inc. was the  
10 borrower on the loan. The proof of claim, (Claim 4, Page 19), includes a recorded grant deed  
11 from D&D REIT, Inc. to the Debtor. The loan appears in post-petition default in the amount of  
12 \$5,435.38, with the loan fully maturing on August 1, 2021 for \$271,935.38, as of May 11, 2021.  
13 (DN 31, Page 3, Lines 3-18 and 28 and Page 4, Lines 1-4.)  
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15           4. The Debtor shows seven real properties on Schedule A/B, (DN 1, Pages 11-14), and  
16 includes three 12-month cashflows for properties with Schedule I, (DN 1, Pages 34-36.)  
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18           WHEREFORE, the Trustee requests that the Court consider these matters.  
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20           Dated: JUNE 21, 2021

21                               /s/Neil Enmark  
22                               NEIL ENMARK, Attorney for Trustee  
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